

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America,
Government

v.

Case No. 12-cr-167-1-3-SM

Thomas J. Dunn;
Willie Ortiz; and
Quentin Simon,
Defendants

FINAL PRETRIAL ORDER

A final pretrial conference was held on July 17, 2013. Present were Assistant United States Attorney Debra M. Walsh, on behalf of the government; Jonathan R. Saxe, Esq., on behalf of Defendant Dunn, Kevin E. Sharkey, Esq., on behalf of Defendant Ortiz, and Paul J. Garrity, Esq., on behalf of Defendant Simon.

IT IS ORDERED:

1. Trial will begin with jury selection at **9:30 a.m. on August 20, 2013**. Although the jury will be drawn on **August 20, 2013**, the case will not begin with the presentation of evidence until **August 26, 2013, at 9:00 a.m.** The parties estimate that trial will require **three (3) days**. In order to keep counsel informed as to their status on the trial list, counsel are directed to contact the clerk's office, courtroom deputy in charge, for further updates on the case.

2. The government shall be entitled to six (6) peremptory challenges. Defendants shall be entitled to ten (10) peremptory challenges each. Each side will be allotted one (1) additional peremptory challenge of alternate jurors.

3. The parties shall exchange witness lists and file a copy with the court on or before **August 13, 2013**.

4. Requests for jury instructions should be submitted in duplicate on or before **August 20, 2013**. Additions and/or amendments thereto will be considered if submitted before the close of trial. Requests shall be submitted in a logical sequence, shall be non-argumentative, and shall set forth an accurate statement of the law as it applies to the case. Counsel need not submit "boilerplate" instructions. The court anticipates providing counsel with a draft charge in sufficient time to meaningfully review the jury instructions and make suggestions prior to the close of trial.

5. Requests for special voir dire questions may be submitted no later than **8:30 a.m. on August 20, 2013**, in chambers.

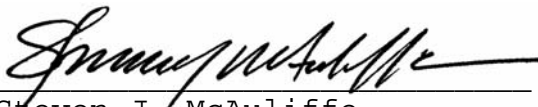
6. Exhibits are to be premarked and submitted, together with any objections, to the clerk's office on or before **August 13, 2013**. Exhibits shall otherwise be handled in accordance with the document entitled "Procedure for Marking Exhibits."

7. Should the parties file a notice to utilize the Jury Evidence Recording System ("JERS") at trial, each party's trial exhibits will be submitted in paper and on Data Storage Devices no later than **August 13, 2013**, seven days prior to jury selection (LR 83.15(a)). Exhibits submitted for utilization on JERS are to be provided in accordance with the court's instructions, "How to Submit Electronic Exhibit Files," located on the court's website, www.nhd.uscourts.gov, Court Technology.

8. All motions in limine shall be filed on or before **August 8, 2013**; responses to said motions shall be filed on or before **August 13, 2013**.

9. The government has produced all required discovery and made appropriate disclosure (open file discovery).

SO ORDERED.


Steven J. McAuliffe
United States District Judge

July 17, 2013

cc: Debra M. Walsh, AUSA
Jonathan R. Saxe, Esq.
Paul J. Garrity, Esq.
Kevin E. Sharkey, Esq.
U.S. Marshal
U.S. Probation